

Message Text

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SUBJECT: OECD ENVIRONMENT COMMITTEE: SPECIAL MEETING OF
CHEMICALS GROUP, JUNE 14-16, 1977

REF: STATE 135034

1. SUMMARY: CHAIRED BY LOWELL MILLER, EPA, THE CHEMICALS
GROUP SPENT MOST OF THREE DAYS IN A VERY TIGHT AND
THOUGHTFUL DISCUSSION OF THE US TOXIC SUBSTANCES
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CONTROL ACT (TSCA). THERE WAS GENERAL HIGH APPRECIATION OF THE
FRANK US PRESENTATION, AND COMMENTS AND SUGGESTIONS WERE
CONSTRUCTIVE. US DELEGATION WAS LED BY GENE WALLEN, EPA,
ASSISTED BY IRVING FULLER, EPA AND JANE LEWIS, COMMERCE.
END SUMMARY.

2. IN THREE DAYS OF WIDE RANGING DISCUSSION OECD CHEMICALS

GROUP DISCUSSED INTERNATIONAL IMPLICATION OF US TOXIC SUBSTANCES CONTROL ACT (TSCA). GROUP COMPLIMENTED US ON FULL AND FRANK PRESENTATION, EXPRESSED APPRECIATION AT OBVIOUS COMMITMENT TO CONCEPT OF INTERNATIONAL COOPERATION IN THE CONTROL OF TOXIC SUBSTANCES AND AVOIDANCE OF UNNECESSARY IMPACTS ON WORLD TRADE. FACT THAT US HAD ALREADY TAKEN ACCOUNT OF EARLIER COMMENTS WELL RECEIVED. COUNTRIES WERE ALSO PLEASED WITH ADDITIONAL TIME FOR CONSULTATION RESULTING FROM ANNOUNCED NEW TIME TABLE ON INVENTORY LIST. US DELEGATION STRESSED THAT WE SEEK SAME ASSURANCES CONCERNING EARLY CONSULTATIONS ON NEW LAWS AND REGULATIONS OF OTHER COUNTRIES. SERIOUS CONCERN OVER POSSIBLE INCLUSION OF FOREIGN MANUFACTURED ARTICLES ON INVENTORY LIST WAS GENERALLY ALLAYED BY US PRESENTATION. EUROPEAN COMMUNITIES ANNOUNCED PLANS TO DEVELOP COMMON POSITION CONCERNING TSCA. NATIONAL VIEWS OF MEMBER COUNTRIES SHOULD BE CONSIDERED ONLY PRELIMINARY. TIME AND AGENDA FOR EC MEETING WITH US ON SCA TO BE DISCUSSED AT WASHINGTON MEETING LATER THIS MONTH. US INVITED PARTICIPATION OF CHEMICALS GROUP MEMBERS IN PRIORITY INVESTIGATION OF 15 IDENTIFIED CHEMICALS OVER NEXT YEAR. THIS WILL BE FURTHER DISCUSSED AT NOVEMBER MEETING. COMPLIMENTING THE OECD ACTIVITIES, US, EC AND JAPAN AGREED TO HOLD SERIES OF EXPERT GROUP MEETINGS ON PREMARKET SCREENING UNDER THE LEAD OF THE EC.

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3. LAST DAY DEVOTED TO DISCUSSION OF ACCELERATED INFORMATION EXCHANGE, AND GROUP AGREED TO A SIMPLIFIED INFORMATION EXCHANGE PROCEDURE. COUNTRIES INVITED TO DESIGNATE A POINT TO WHICH COMMUNICATIONS SHOULD BE SENT. ANY COUNTRY CAN PROPOSE BILATERAL OR MULTILATERAL EXPERT MEETINGS WITH RESULTS SENT TO SECRETARIAT WHERE APPROPRIATE FOR GENERAL DISTRIBUTION. UNDER THIS UMBRELLA IT WAS AGREED GERMANY WILL TAKE THE LEAD IN A SMALL WORKING GROUP INCLUDING US, JAPAN, NETHERLANDS, AND FRANCE WHICH WILL COMMENCE WORK IMMEDIATELY ON THE HARMONIZATION OF TEST GUIDELINES, PROTOCOLS AND OTHER TEST PROCEDURES DEALING WITH PERSISTENCE AND BIOACCUMULATION. THE GOAL OF THE WORKING PARTY IS TO IDENTIFY COMMON TEST METHODS WHICH CAN BE MADE PART OF NATIONAL REGULATIONS. ANY COUNTRY WHICH WISHES TO PROCEED WITH OWN TESTS MAY DO SO WITH OPTION TO ADOPT INTERNATIONAL GUIDELINES LATER.

4. OTHER MAJOR AREAS OF GENERAL CONCERN WITH TSCA WERE:
(A) CONFIDENTIALITY: HOW TO PROTECT NEW AND OLD LINES OF DEVELOPMENT IN CHEMICALS AND/OR ARTICLES CONTAINING CHEMICALS IN FACE OF TSCA SECTION 14 DISCLOSURE REQUI-

REMENTS ON HEALTH EFFECTS. (B) TESTING: WILL FOREIGN FIRMS BE RECOMPENSED WHEN OTHER FIRMS USE THEIR DATA DEVELOPED IN RESPONSE TO TSCA? WILL EPA INSPECT FOREIGN LABORATORIES TO ASSURE QUALITY OF RESULTS? COULD EPA USE PRODUCTION/DISTRIBUTION VOLUME TO ESTABLISH DEGREE OF TESTING REQUIRED? NECESSITY OF DOING ANY STANDARDIZED SERIES OF TEST, E.G. FISH TOXICITY TEST WHEN LITTLE LIKEHOOD CHEMICAL WILL EVER GET IN WATER ? (C) POSSIBLE WORLD WIDE DRAIN ON LIMITED EXPERT POOL: THE UK EXPRESSED SERIOUS CONCERN. CANADA REPORTED HIRING OF THEIR TOXICOLOGISTS BY US INDUSTRY. (D) FEDERAL PREEMPTION-POSSIBLE TRADE RESTRAINTS ARISING FROM STATE STANDARDS MORE STRINGENT THAN FEDERAL AS IS OCCURRING IN FIFRA AREA, EXAMPLE OF OREGON RESTRICTIONS CITED. (E) UNCLASSIFIED

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SHOULD PRECISE PROTOCOLS OR GENERAL GUIDELINES BE SET? WOULD ESTABLISHMENT OF DETAILED TEST PROTOCOLS RELIEVE THE MANUFACTURER OF LIABILITY AND PLACE IT ON FEDERAL GOVERNMENT? ALTERNATELY, HOW IS INDUSTRY TO KNOW IT IS CONDUCTING ACCEPTABLE TESTING ABSENT SPECIFIC DIRECTIONS? (F) IMPORTER AS MANUFACTURER: WILL HE BE HELD TO SAME STANDARDS WHEN HE WON'T POSSESS SAME KNOWLEDGE BASE? WILL THE IMPORTER BE FORCED TO DO HIS OWN TESTING? SWISS SAID CONCEPT OF MAKING FOREIGN MANUFACTURER THE AGENT OF THE IMPORTER WAS EXCELLENT AND OFFERED TO SHARE THEIR EXPERIENCE. (G) IMPURITIES: AT WHAT LEVEL WOULD THEY BECOME SEPARATE CHEMICAL SUBSTANCES? WOULD THE COMBINATIONS THEN BE CONSIDERED MIXTURES ? (H) CATEGORIES OF CHEMICALS: DANGGER OF SIMPLISTIC COMMON APPROACH, NECESSITY OF DIFFERENT PROTOCOL FOR EACH SUBSTANCE WITHIN CATEGORY, USEFULNESS AS A TOOL TO SET PRIORITIES FOR ACTION. (I) ARTICLES - PROBLEM OF PREIMPORT NOTICE OF NEW CHEMICAL SUBSTANCES CONTAINED IN COMMERCIAL QUANTITIES IN FOREIGN ARTICLES. DIFFICULTY OF SMALL COUNTRIES EXPORTING PRODUCTS TO THE US WHICH INCLUDE CHEMICALS PRODUCED IN THIRD COUNTRY.

5. MISSION COMMENTS. MISSION FEELS THAT THIS SPECIAL MEETING OF THE CHEMICALS GROUP IS PERHAPS THE MOST IMPORTANT MEETING THE ENVIRONMENT COMMITTEE HAS SPONSORED SINCE ITS CREATION IN 1970. FOR SEVERAL YEARS, EVEN IN THE PREDECESSORS OF THE ENVIRONMENT COMMITTEE, THE US, SUPPORTED BY A SMALL NUMBER OF OTHER MEMBER-COUNTRIES, HAS PRESSED FOR INTERNATIONALLY ACCEPTABLE CRITERIA AND STANDARDS TO BE DERIVED FROM THE OECD'S EXAMINATION OF THE TOXIC CHEMICAL ASPECTS OF ENVIRONMENTAL PROBLEMS. THE DELAY IN THE PASSING OF THE US/TSCA, HOWEVER, GAVE UNCLASSIFIED

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MANY COUNTRIES AN EXCUSE FOR A STANDSTILL, ALMOST LAISSER-FAIRE ATTITUDE TOWARDS THESE PROBLEMS, EXCEPT WHERE SUCH COULD BE PINPOINTED, AS IN THE CASE OF PCB'S, FOR INSTANCE. DURING THIS TIME, THERE HAS, HOWEVER, ALWAYS BEEN OVERT ACCEPTANCE THAT, ALTHOUGH COUNTRIES MUST PROCEED WITHIN THEIR OWN LEGISLATIVELY MANDATED TIME-FRAMES, A REALISTIC INTERNATIONAL CONTROL SYSTEM COULD ONLY BE THE OUTCOME OF EVENTUAL OECD WIDE ACTION. BILATERAL OR RESTRICTED MULTILATERAL ARRANGEMENT WOULD PROBABLY LEAVE TOO MANY LOOPHOLES FOR NON-OBSERVANCE AND ABUSE, PARTICULARLY BY NON-PARTICIPANTS. IN SUCH HARMONIZING ACTIVITY TIME IS CRITICAL, FOR EXAMPLE THE GERMANS ESTIMATE THEY HAVE 2 YEARS TO ADOPT NEW TESTING PROCEDURES. THE US TIMEFRAME IS EVEN SHORTER. THE THREE-DAY DISCUSSIONS IN THE OECD OF TSCA AND ITS IMPLICATIONS FROM THE VIEWPOINTS OF THE ECONOMIST, SCIENTIST, AND ENVIRONMENTALIST - IN OTHER WORDS TRADE, TECHNOLOGY AND THE QUALITY OF LIFE - HAVE SHOWN QUITE CLEARLY THAT VIRTUALLY ALL OECD COUNTRIES HAVE BEEN STIRRED OUT OF THEIR LETHARGY. THE POSITIVELY STRUCTURED COMMENTS ON TSCA CAN MEAN ONLY THAT THE US HAS ONCE AGAIN TAKEN AN IMPORTANT LEADERSHIP ROLE AND MUST DO ALL THAT IS REQUIRED TO EXPLOIT THIS INITIATIVE. THE FRG PROPOSAL TO ITSELF LEAD A GROUP OF VOLUNTEER MEMBER-COUNTRIES IN A SERIES OF WORKING PARTY MEETINGS TO ATTEMPT HARMONIZATION IN THE FIELD OF SCREENING TESTS IS HIGHLY SIGNIFICANT. PERHAPS OTHER MEMBER-COUNTRIES, EITHER SIMPLY OR IN GROUPS, WILL FOLLOW THIS EXAMPLE IN OTHER AREAS OF THE OVERALL PROGRAM. THE US SHOULD BE INVOLVED IN ALL THESE PROJECTS, AND SHOULD, ABOVE ALL, BRING ITS INFLUENCE TO BEAR, ALONE AND WITH THE SUPPORT OF OTHERS, TO ENSURE THAT OECD SECRETARIAT SUPPORT IS, ADEQUATE IN NUMBER AND QUALITY TO PROVIDE THE ESSENTIAL UNDERPINNING OF THE MAJOR EFFORT NOW UNDERTAKEN BY THE CHEMICALS GROUP, AND TO ENSURE EFFICIENT COORDINATION OF THE DIFFERENT COMPONENTS OF THE PROGRAM. THE MISSION WOULD APPRECIATE THE DEPARTMENT'S

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REACTION TO THE ABOVE COMMENTS, WITH GUIDANCE FOR AN APPROACH IN DISCUSSION AT THE EXECUTIVE COMMITTEE AND COUNCIL LEVELS BASED ON STRONG US SUPPORT FOR THE NEW PROGRAM OF THE CHEMICALS GROUP, WITH ITS LOGICAL CONSEQUENCE OF INCREASED STAFF SUPPORT. FINALLY, MISSION NOTES WITH SATISFACTION THE MANY LAUDATORY COMMENTS BY OTHER DELEGATIONS ON THE HIGH STANDARD OF US CHAIRMAN-

SHIP, ON THE FRANK AND CLEAR PRESENTATION BY THE US
DELEGATION AS A WHOLE, AND IN PARTICULAR ON THE DELEGATION
LEADER'S MASTERLY HANDLING OF THE SUBJECT. MISSION
STRONGLY RECOMMENDS THAT FUTURE US PARTICIPATION IN WORK
OF CHEMICALS GROUP BE KEPT AT THIS LEVEL AND STRENGTH.
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